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| **Policy Name:** | Tenancy Policies |
| **Lead Directorate:** | Housing |
| **Author:** | Jamie Lock, AD Housing Services |
| **Reason for change:** | Review |
| **Date:** | August 2018 |

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| **APPROVAL PROCESS FOR CURRENT VERSION** | |
| **Presented to:** | Services Committee |
| **Date:** | August 2023 |
| **Decision:** |  |

# Introduction

This policy sets out Poplar HARCA’s approach to tenancy management and supersedes all previous versions.

# Policies

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| Assignment | 1. Approved only as allowed for by law 2. Will be refused if: 3. A legal notice has been served or legal proceedings instigated; and/or 4. Property not suitable as set out in the prevailing lettings policy; and/or 5. The property is not the tenant’s only or principal home; and/or 6. There are rent arrears or other money is owed to Poplar HARCA. |
| Mutual Exchange | 1. Approved only as allowed for by law 2. Consent will be withheld until: 3. Non-standard installations are removed and made good, unless responsibility for on-going maintenance is accepted by in-coming tenant; and/or 4. Repairs not Poplar HARCA’s responsibility have been carried out; and/or 5. There are no rent arrears or other money owed to Poplar HARCA. |
| Pets | 1. Pet owners must: 2. Clean up after pets and dispose of waste appropriately; and 3. House pets properly and securely; and 4. Inside and outside the property, keep pets under proper control; and 5. Keep the number and type of pets appropriate to property size and type as determined at Poplar HARCA’s sole discretion. 6. Complaints about pets 7. Will be investigated as a potential breach of tenancy or lease. 8. An opportunity to remedy a breach will be offered. Failure to remedy will result in legal action. 9. When a person is reliant on a pet as verified by a health professional for health, disability or wellbeing, legal enforcement will be instigated only if other remedies have failed. |
| Property Unsuitable (e.g. Health, Overcrowding, Under occupation) | 1. The lettings policy sets out how housing need is assessed, and priority is awarded. |
| Rent and other Refunds | 1. Except in exceptional circumstances, Poplar HARCA will not refund money paid into rent, service charge or other account. 2. If a refund is approved, a £50 fee will be charged to cover administration costs. |
| Right to Return | 1. Poplar HARCA tenants with a social rent Assured Tenancy can return to new build homes on the same estate if the block they live in is demolished for a regeneration scheme. 2. One suitable offer of a new build home on the same estate compliant with the prevailing lettings policy or the landlord offer will be made. 3. If there are fewer of a type or size of home available than meets returning tenants’ demand, priority will be determined based on the length of tenancy in the demolished block. 4. If tenants change their mind about returning, an offer will be made only if an appropriate property is available after commitments to all other residents have been met. |
| Shared Ownership | 1. Shared ownership will be sold in-line with prevailing legislation or guidance. 2. Poplar HARCA will defer to the lease in all matters. |
| Short life, Property Disposal, Tenure Conversion | 1. Properties may be disposed of, or the tenure converted, if any of the following applies: 2. To facilitate a local lettings strategy. 3. To facilitate Poplar HARCA’s growth strategy. 4. To facilitate regeneration. 5. To facilitate the mixed income tenure strategy. 6. To mitigate costs. 7. To maximise income. 8. To support the effective management of a block, estate, or neighbourhood. 9. When The Director Of Housing And Corporate Services exercises discretion as allowed for by delegated authority. |
| Succession: Contractual | 1. Succession will be considered only as allowed for by the tenancy agreement. 2. If more than one person is eligible to succeed, they can decide who will succeed. If they cannot agree a Head of Service (or more senior officer) will make the decision. 3. If the property is larger than required, one offer of suitable alternative accommodation will be made. If the offer is refused legal proceedings for possession will be instigated. 4. Rent arrears and other debts accrued pass to the successor. |
| Succession: Statutory | 1. Succession will be agreed only as allowed for by law. 2. If more than one person is eligible to succeed, they can decide who will succeed. If they cannot agree a Head of Service (or more senior officer) will make the decision. 3. If the property is larger than required, one offer of suitable alternative accommodation will be made. If an offer is refused legal proceedings for possession will be instigated. 4. Rent arrears and other debts accrued pass to the successor. |
| Sustaining Tenancies & Preventing Evictions | 1. Choices made by individuals with capacity will be respected. 2. Vulnerability is defined as *being substantially more vulnerable than an ordinary person and so likely to suffer disproportionate harm in a comparable situation.* 3. If a child or vulnerable adult is suspected of being at risk the appropriate agency will be informed. 4. Anyone requiring support will be signposted to statutory and other agencies that can offer specialist help. |
| Tenancy Fraud | 1. Poplar HARCA will: 2. Investigate and cooperate with investigations undertaken by others. 3. Participate in the National Fraud Initiative. 4. Share information as legally permitted. 5. Verify re-housing, Right to Buy and Right to Acquire and other applications. |
| Tenancy verification | 1. Before entering into a tenancy, Poplar HARCA will seek permission to take-up credit and other references. 2. Poplar HARCA will not enter into a tenancy if it: 3. Determines it may not be affordable; and/or 4. Determines it may not be sustainable; and/or 5. Determines that the tenant requires support which another agency has not taken responsibility for and it is not able to provide; and/or 6. Suspects fraud; and/or 7. The prospective tenant appears to lack capacity; and/or 8. Any other substantial reason. |
| Tenure: Affordable Rent | 1. Normally let on an Assured Tenancy. 2. Charged at 80% of local market rent (inclusive of service charges) except when it has been contractually agreed to charge less. 3. Priority according to the prevailing lettings policy. |
| Tenure: Periodic Tenancy | 1. Normally offered when a property is let  * at intermediate rent; or * at market rent. |
| Tenure: Assured Tenancy | 1. Normally offered when a property is let at social or affordable rent and the tenant is transferring from a secure or assured tenancy. |
| Tenure: Intermediate Rent | 1. Normally let on a Periodic Tenancy. 2. Charged at 80% of the local market rent (inclusive of service charges). 3. Eligibility will be assessed in-line with prevailing legislation or other guidance. |
| Varying a Tenancy (e.g., joint to sole, sole to joint) | 1. Unless a Court makes an order, Poplar HARCA will not vary a tenancy agreement. |

# Complaints

A request to review any decision made under this policy will be treated as a formal complaint, and processed in line with Poplar HARCA’s Customer Care Policy.

# Policy review

Policies are reviewed every 5 years or sooner if they no longer reflect best practice.

# Impact assessment

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| How does the policy contribute to Poplar HARCA’s aims? | Being consistent managing tenancies is important to ensure fairness  Staff can properly advise residents and others |
| Which group(s) of people will benefit from the policy?  If any group could be disadvantaged, what is the mitigation or justification? | None identified.  Statutory or other guidance regulates tenancies and Poplar HARCA’s behaviour.  Appeal processes protect residents, and Poplar HARCA cannot evict without a Court Order.  Exceptions to the policy are set out for people with a disability. |
| How have residents been involved in developing the policy?  If they have not been involved, why not? | Housing’s Service Model was developed and influenced by a variety of resident inputs – e.g. JEP, Estate Boards, surveys, Big Door Knocks, contacts and complaints |
| How will the policy be monitored and measured? (e.g. performance indicators?) | Performance is reported quarterly to operational managers; Corporate Management Team; Services Committee and Poplar Board |
| If any, what are the Value for Money implications? | Income from tenancies funds services.  Where appropriate and proportionate, charges are made to cover administration costs. |